

All correspondence referring to announcements and subscription of Government Gazette must be addressed to its administration office. Literary publications will be advertised free of charge provided two copies are offered.

Toda a correspondência relativa a anúncios e à assinatura do *Boletim Oficial* deve ser dirigida à Administração da Imprensa Nacional. As publicações literárias de que se receberem dois exemplares anunciam-se gratuitamente.



## SUBSCRIPTION RATES — ASSINATURA

	YEARLY (Annual)	HALF-YEARLY (Semestral)	QUARTERLY (Trimestral)
All 3 series (As 3 series)	Rs. 40/-	Rs. 24/-	Rs. 18/-
I Series	Rs. 20/-	Rs. 12/-	Rs. 9/-
II Series	Rs. 16/-	Rs. 10/-	Rs. 8/-
III Series	Rs. 20/-	Rs. 12/-	Rs. 9/-

Postage is to be added when delivered by mail —  
Acréscio o porte quando remetido pelo correio

# GOVERNMENT GAZETTE

## BOLETIM OFICIAL

### SUPPLEMENT

(SUPLEMENTO)

#### GOVERNMENT OF GOA, DAMAN AND DIU

Secretariat

Law Department

#### Notification

The Indian Registration Act, 1908 is hereby published for the general information of public.

Kant Desai, Under Secretary.

Panjim, 29th October, 1965.

#### The Indian Registration Act, 1908

16 of 1908

[18th December, 1908.]

#### An Act to consolidate the enactments relating to Registration of Documents

Whereas it is expedient to consolidate the enactments relating to the registration of documents; It is hereby enacted as follows:—

#### PART I

##### Preliminary

1. Short title, extent and commencement. — (1) This Act may be called the Indian Registration Act, 1908.

(2) It extends to the whole of India except the State of Jammu and Kashmir:

Provided that the State Government may exclude any districts or tracts of country from its operation.

(3) It shall come into force on the first day of January, 1909.

2. Definitions. — In this Act, unless there is anything repugnant in the subject or context, —

(1) «addition» means the place of residence, and the profession, trade, rank and title (if any) of a person described, and, in the case of an Indian, his father's name, or where he is usually described as the son of his mother, then his mother's name:

(2) «book» includes a portion of a book and also any number of sheets connected together with a view of forming a book or portion of a book:

(3) «district» and «sub-district» respectively mean a district and sub-district formed under this Act:

(4) «District Court» includes the High Court in its ordinary original civil jurisdiction:

(5) «endorsement» and «endorsed» include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act:

(6) «immovable property» includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth, or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops nor grass:

(6A) «India» means the territory of India excluding the State of Jammu and Kashmir:

(7) «lease» includes a counterpart, kabuliyat, an undertaking to cultivate or occupy, and an agreement to lease:

(8) «minor» means a person who, according to the personal law to which he is subject, has not attained majority:

(9) «moveable property» includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immovable property; and

(10) «representative» includes the guardian of a minor and the committee or other legal curator of a lunatic or idiot.

## PART II

### Of the registration-establishment

**3. Inspector General of Registration.**—(1) The State Government shall appoint an officer to be the Inspector General of Registration for the territories subject to such Government:

Provided that the State Government may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector General shall be exercised and performed by such officer or officers, and within such local limits, as the State Government appoints in this behalf.

(2) Any Inspector General may hold simultaneously any other office under the Government.

4. [*Branch Inspector General of Sindh.*] *Rep. by the Government of India (Adaptation of Indian Laws) Order, 1937.*

**5. Districts and sub-districts.**—(1) For the purposes of this Act, the State Government shall form districts and sub-districts, and shall prescribe, and may alter, the limits of such districts and sub-districts.

(2) The districts and sub-districts formed under this section, together with the limits thereof, and every alteration of such limits, shall be notified in the Official Gazette.

(3) Every such alteration shall take effect on such day after the date of the notification as is therein mentioned.

**6. Registrars and Sub-Registrars.**—The State Government may appoint such persons, whether public officers or not, as it thinks proper, to be Registrars of the several districts, and to be Sub-Registrars of the several sub-districts, formed as aforesaid, respectively.

**7. Offices of Registrar and Sub-Registrar.**—(1) The State Government shall establish in every district an office to be styled the office of the Registrar and in every sub-district an office or offices to be styled the office of the Sub-Registrar or the offices of the Joint Sub-Registrars.

(2) The State Government may amalgamate with any office of a Registrar any office of a Sub-Registrar subordinate to such Registrar, and may authorize any Sub-Registrar whose office has been so amalgamated to exercise and perform, in addition to his own powers and duties, all or any of the powers and duties of the Registrar to whom he is subordinate:

Provided that no such authorization shall enable a Sub-Registrar to hear an appeal against an order passed by himself under this Act.

**8. Inspectors of Registration offices.**—(1) The State Government may also appoint officers, to be

called Inspectors of Registration-offices, and may prescribe the duties of such officers.

(2) Every such Inspector shall be subordinate to the Inspector General.

9. [*Military cantonments may be declared sub-districts or districts.*] *Rep. by the Repealing and Amending Act, 1927 (10 of 1927), s. 3 and Sch. II.*

**10. Absence of Registrar or vacancy in his office.**—

(1) When any Registrar, other than the Registrar of a district including a Presidency-town, is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector General appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, shall be the Registrar during such absence or until the State Government fills up the vacancy.

(2) When the Registrar of a district including a Presidency-town is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector General appoints in this behalf shall be the Registrar during such absence, or until the State Government fills up the vacancy.

**11. Absence of Registrar on duty in his district.**—When any Registrar is absent from his office on duty in his district, he may appoint any Sub-Registrar or other person in his district to perform, during such absence, all the duties of a Registrar except those mentioned in sections 68 and 72.

**12. Absence of Sub-Registrar or vacancy in his office.**—When any Sub-Registrar is absent, or when his office is temporarily vacant, any person whom the Registrar of the district appoints in this behalf shall be the Sub-Registrar during such absence, or until the vacancy is filled up.

**13. Reports to State Government of appointments under sections 10, 11 and 12.**—(1) All appointments made under section 10, section 11 or section 12 shall be reported to the State Government by the Inspector General.

(2) Such report shall be either special or general, as the State Government directs.

**14. Establishments for registering offices.**

(1) .....

(2) The State Government may allow proper establishments for the several offices under this Act.

**15. Seal of registering officers.**—The several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other language as the State Government directs:—

«The seal of the Registrar (or of the Sub-Registrar) of».

**16. Register books and fire-proof boxes.**—(1) The State Government shall provide for the office of every registering officer the books necessary for the purposes of this Act.

(2) The books so provided shall contain the forms from time to time prescribed by the Inspector General, with the sanction of the State Government, and the pages of such books shall be consecutively num-

bered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

(3) The State Government shall supply the office of every Registrar with a fire-proof box, and shall in each district make suitable provision for the safe custody of the records connected with the registration of documents in such district.

### PART III

#### Of registrable documents

17. Documents of which registration is compulsory. — (1) The following documents, shall be registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the date on which, Act No. XVI of 1864, or the Indian Registration Act, 1866 or the Indian Registration Act, 1874 or the Indian Registration Act, 1877, 3 of 1877, or this Act came or comes into force, namely: —

(a) instruments of gift of immoveable property;

(b) other non-testamentary instruments, which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immoveable property;

(c) non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest; and

(d) leases of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent;

(e) non-testamentary instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immoveable property:

Provided that the State Government may, by order published in the Official Gazette, exempt from the operation of this sub-section any leases executed in any district, or part of a district, the terms granted by which do not exceed five years and the annual rents reserved by which do not exceed fifty rupees.

(2) Nothing in clauses (b) and (c) of sub-section (1) applies to —

(i) any composition-deed; or

(ii) any instrument relating to shares in a Joint Stock Company, notwithstanding that the assets of such Company consist in whole or in part of immoveable property; or

(iii) any debenture issued by any such Company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest, to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the Company has mortgaged, conveyed or otherwise

transferred the whole or part of its immoveable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures; or

(iv) any endorsement upon or transfer of any debenture issued by any such Company; or

(v) any document not itself creating, declaring, assigning, limiting or extinguishing any right, title or interest of the value of one hundred rupees and upwards to or in immoveable property, but merely creating a right to obtain another document which will, when executed, create, declare, assign, limit or extinguish any such right, title or interest; or

(vi) any decree or order of a Court except a decree or order expressed to be made on a compromise and comprising immoveable property other than that which is the subject-matter of the suit or proceeding; or

(vii) any grant of immoveable property by the Government; or

(viii) any instrument of partition made by a Revenue-officer; or

(ix) any order granting a loan or instrument of collateral security granted under the Land Improvement Act, 1871 or the Land Improvement Loans Act, 1883; or

(x) any order granting a loan under the Agriculturists Loans Act, 1884, or instrument for securing the repayment of a loan made under that Act; or

(xi) any order made under the Charitable Endowments Act, 1890, vesting any property in a Treasurer of Charitable Endowments or divesting any such Treasurer of any property; or

(xii) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage; or

(xiii) any certificate of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue-officer.

*Explanation* — A document purporting or operating to effect a contract for the sale of immoveable property shall not be deemed to require or ever to have required registration by reason only of the fact that such document contains a recital of the payment of any earnest money or of the whole or any part of the purchase money.

(3) Authorities to adopt a son, executed after the 1st day of January, 1872, and not conferred by a will, shall also be registered.

18. Documents of which registration is optional. — Any of the following documents may be registered under this Act, namely: —

(a) instruments (other than instruments of gift and wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immoveable property;

(b) instruments acknowledging the receipt or payment of any consideration on account of the

creation, declaration, assignment, limitation or extinction of any such right, title or interest;

(c) leases of immovable property for any term not exceeding one year, and leases exempted under section 17;

(cc) instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immovable property;

(d) instruments (other than wills) which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in moveable property;

(e) wills; and

(f) all other documents not required by section 17 to be registered.

**19. Documents in language not understood by registering officer.** — If any document duly presented for registration be in a language which the registering officer does not understand, and which is not commonly used in the district, he shall refuse to register the document, unless it be accompanied by a true translation into a language commonly used in the district and also by a true copy.

**20. Documents containing interlineations, blanks, erasures or alterations.** — (1) The registering officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration.

(2) If the registering officer registers any such document, he shall, at the time of registering the same, make a note in the register of such interlineation, blank, erasure or alteration.

**21. Description of property and maps or plans.** —

(1) No non-testamentary document relating to immovable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

(2) House in towns shall be described as situate on the north or other side of the street or road (which should be specified) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered.

(3) Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate, and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

(4) No non-testamentary document containing a map or plan of any property comprised therein shall be accepted for registration unless it is accompanied by a true copy of the map or plan, or, in case such property is situate in several districts, by such number of true copies of the map or plan as are equal to the number of such districts.

**22. Description of houses and land by reference to Government maps or surveys.** — (1) Where it is,

in the opinion of the State Government, practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, the State Government may, by rule made under this Act, require that such houses and lands as aforesaid shall, for the purposes of section 21, be so described.

(2) Save as otherwise provided by any rule made under sub-section (1), failure to comply with the provisions of section 21, sub-section (2) or sub-section (3), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify that property.

#### PART IV

##### Of the time of presentation

**23. Time for presenting documents.** — Subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution:

Provided that a copy of a decree or order may be presented within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final.

**23A. Re-registration of certain documents.** — Notwithstanding anything to the contrary contained in this Act, if in any case a document requiring registration has been accepted for registration by a Registrar or Sub-Registrar from a person not duly empowered to present the same, and has been registered, any person claiming under such document may, within four months from his first becoming aware that the registration of such document is invalid, present such document or cause the same to be presented, in accordance with the provisions of Part VI for re-registration in the office of the Registrar of the district in which the document was originally registered; and upon the Registrar being satisfied that the document was so accepted for registration from a person not duly empowered to present the same, he shall proceed to the re-registration of the document as if it had not been previously registered, and as if such presentation for re-registration was a presentation for registration made within the time allowed therefor under Part IV, and all the provisions of this Act, as to registration of documents, shall apply to such re-registration; and such document, if duly re-registered in accordance with the provisions of this section, shall be deemed to have been duly registered for all purposes from the date of its original registration:

Provided that, within three months from the twelfth day of September, 1917, any person claiming under a document to which this section applies may present the same or cause the same to be presented for re-registration in accordance with this section, whatever may have been the time when he first became aware that the registration of the document was invalid.

**24. Documents executed by several persons at different times.** — Where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution.



25. Provision where delay in presentation is unavoidable. — (1) If, owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that, on payment of a fine not exceeding ten times the amount of the proper registration-fee, such document shall be accepted for registration.

(2) Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

26. Documents executed out of India. — When a document purporting to have been executed by all or any of the parties out of India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the registering officer, if satisfied —

- (a) that the instrument was so executed, and
- (b) that it has been presented for registration within four months after its arrival in India,

may, on payment of the proper registration-fee, accept such document for registration.

27. Wills may be presented or deposited at any time. — A will may at any time be presented for registration or deposited in manner hereinafter provided.

#### PART V

##### Of the place of registration

28. Place for registering documents relating to land. — Save as in this Part otherwise provided, every document mentioned in section 17, sub-section (1), clauses (a), (b), (c), (d) and (e), section 17, sub-section (2), in so far as such document affects immovable property, and section 18, clauses (a), (b), (c) and (cc), shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate.

29. Place for registering other documents. — (1) Every document not being a document referred to in section 28, or a copy of a decree or order, may be presented for registration either in the office of the Sub-Registrar in whose sub-district the document was executed, or in the office of any other Sub-Registrar under the State Government at which all the persons executing and claiming under the document desire the same to be registered.

(2) A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose sub-district the original decree or order was made, or, where the decree or order does not affect immovable property, in the office of any other Sub-Registrar under the State Government at which all the persons claiming under the decree or order desire the copy to be registered.

30. Registration by Registrars in certain cases. — (1) Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.

(2) The Registrar of a district including a Presidency-town may receive and register any document referred to in section 28 without regard to the

situation in any part of India of the property to which the document relates.

31. Registration of acceptance for deposit at private residence. — In ordinary cases the registration or deposit of documents under this Act shall be made only at the office of the officer authorized to accept the same for registration or deposit:

Provided that such officer may on special cause being shown attend at the residence of any person desiring to present a document for registration or to deposit a will, and accept for registration or deposit such document or will.

#### PART VI

##### Of presenting documents for registration

32. Persons to present documents for registration. — Except in the cases mentioned in sections 31, 88 and 89, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration office, —

(a) by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order, or

(b) by the representative or assign of such person, or

(c) by the agent of such person, representative or assign, duly authorized by power-of-attorney executed and authenticated in manner hereinafter mentioned.

33. Power-of-attorney recognizable for purposes of section 32. — (1) For the purposes of section 32 the following powers-of-attorney shall alone be recognized, namely: —

(a) if the principal at the time of executing the power-of-attorney resides in any part of India in which this Act is for the time being in force, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides;

(b) if the principal at the time aforesaid resides in any part of India in which this Act is not in force, a power-of-attorney executed before and authenticated by any Magistrate;

(c) if the principal at the time aforesaid does not reside in India, a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, Indian Consul or Vice-Consul, or representative of the Central Government:

Provided that the following persons shall not be required to attend at any registration-office or Court for the purpose of executing any such power-of-attorney as is mentioned in clauses (a) and (b) of this section, namely: —

(i) persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend;

(ii) persons who are in jail under civil or criminal process; and

(iii) persons exempt by law from personal appearance in Court.

*Explanation.*—In this sub-section, «India» means India, as defined in clause (28) of section 3 of the General Clauses Act, 1897.

(2) In the case of every such person the Registrar or Sub-Registrar or Magistrate, as the case may be, if satisfied that the power-of-attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or Court aforesaid.

(3) To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Magistrate may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

(4) Any power-of-attorney mentioned in this section may be proved by the production of it without further proof when it purports on the face of it to have been executed before and authenticated by the person or Court hereinbefore mentioned in that behalf.

**34. Enquiry before registration by registering officer.**—(1) Subject to the provisions contained in this Part and in sections 41, 43, 45, 69, 75, 77, 88 and 89, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the registering officer within the time allowed for presentation under sections 23, 24, 25 and 26;

Provided that, if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases where the delay in appearing does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration fee, in addition to the fine, if any, payable under section 25, the document may be registered.

(2) Appearances under sub-section (1) may be simultaneous or at different times.

(3) The registering officer shall thereupon—

(a) enquire whether or not such document was executed by the persons by whom it purports to have been executed;

(b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document; and

(c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

(4) Any application for a direction under the proviso to sub-section (1) may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

(5) Nothing in this section applies to copies of decrees or orders.

**35. Procedure on admission and denial of execution respectively.**—(1) (a) If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document, or

(b) if in the case of any person appearing by a representative, assign or agent, such representative, assign or agent admits the execution, or

(c) if the person executing the document is dead, and his representative or assign appears before the registering officer and admits the execution,

the registering officer shall register the document as directed in sections 58 to 61, inclusive.

(2) The registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one present in his office.

(3) (a) If any person by whom the document purports to be executed denies its execution, or

(b) if any such person appears to the registering officer to be a minor, an idiot or a lunatic, or

(c) if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution,

the registering officer shall refuse to register the document as to the person so denying, appearing or dead:

Provided that, where such officer is a Registrar, he shall follow the procedure prescribed in Part XII:

Provided further that the State Government may, by notification in the Official Gazette, declare that any Sub-Registrar named in the notification shall, in respect of documents the execution of which is denied, be deemed to be a Registrar for the purposes of this sub-section and of Part XII.

## PART VII

Of enforcing the appearance of executants and witnesses.

**36. Procedure where appearance of executant or witness is desired.**—If any person presenting any document for registration, or claiming under any document, which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such officer or Court as the State Government directs in this behalf to issue a summons requiring him to appear at the registration-office, either in person or by duly authorized agent, as in the summons may be mentioned, and at a time named therein.

**37. Officer or Court to issue and cause service of summons.**—The officer or Court, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose appearance is so required.

**38. Persons exempt from appearance at registration-office.**—(1) (a) A person who by reason of bodily infirmity is unable without risk of serious inconvenience to appear at the registration-office, or

(b) a person in jail under civil or criminal process, or

(c) persons exempt by law from personal appearance in Court, and who would but for the provision next hereinafter contained be required to appear in person at the registration-office, shall not be required so to appear.

(2) In the case of every such person the Registering Officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him or issue a commission for his examination.

39. Law as to summonses, commissions and witnesses. — The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts, shall, save as aforesaid and *mutatis mutandis*, apply to any summons or commission issued and any person summoned to appear under the provisions of this Act.

### PART VIII

#### Of presenting wills and authorities to adopt

40. Persons entitled to present wills and authorities to adopt. — (1) The testator, or after his death any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub-Registrar for registration.

(2) The donor, or after his death the donee, of any authority to adopt, or the adoptive son, may present it to any Registrar or Sub-Registrar for registration.

41. Registration of wills and authorities to adopt. —

(1) A will or an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document.

(2) A will or authority to adopt presented for registration by any other person entitled to present it shall be registered if the registering officer is satisfied —

(a) that the will or authority was executed by the testator or donor, as the case may be;

(b) that the testator or donor is dead; and

(c) that the person presenting the will or authority is, under section 40, entitled to present the same.

### PART IX

#### Of the deposit of wills

42. Deposit of wills. — Any testator may, either personally or by duly authorized agent, deposit with any Registrar his will in a sealed cover superscribed with the name of the testator and that of his agent (if any) and with a statement of the nature of the document.

43. Procedure on deposit of wills. — (1) On receiving such cover, the Registrar, if satisfied that the person presenting the same for deposit is the testator or his agent, shall transcribe in his Register-book No. 5 the superscription aforesaid, and shall note in the same book and on the said cover the year, month, day and hour of such presentation and receipt, and the names of any persons who may testify to the identity of the testator or his agent, and any legible inscription which may be on the seal of the cover.

(2) The Registrar shall then place and retain the sealed cover in his fire-proof box.

44. Withdrawal of sealed cover deposited under section 42. — If the testator who has deposited such cover wishes to withdraw it, he may apply, either personally or by duly authorized agent, to the Registrar who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly.

45. Proceedings on death of depositor. — (1) If on the death of a testator who has deposited a sealed cover under section 42, application be made to the

Registrar who holds it in deposit to open the same, and if the Registrar is satisfied that the testator is dead, he shall, in the applicant's presence, open the cover, and, at the applicant's expense, cause the contents thereof to be copied into his Book No. 3.

(2) When such copy has been made, the Registrar shall re-deposit the original will.

46. Saving of certain enactments and powers of Courts. — (1) Nothing hereinbefore contained shall affect the provisions of section 259 of the Indian Succession Act, 1865, or of section 81 of the Probate and Administration Act, 1881, or the power of any Court by order to compel the production of any will.

(2) When any such order is made, the Registrar shall, unless the will has been already copied under section 45, open the cover and cause the will to be copied into his Book No. 3 and make a note on such copy that the original has been removed into Court in pursuance of the order aforesaid.

### PART X

#### Of the effects of registration and non-registration

47. Time from which registered document operates. — A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

48. Registered documents relating to property when to take effect against oral agreements. — All non-testamentary documents duly registered under this Act, and relating to any property, whether moveable or immovable, shall take effect against an oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession and the same constitutes a valid transfer under any law for the time being in force:

Provided that a mortgage by deposit of title-deeds as defined in section 58 of the Transfer of Property Act, 1882, shall take 4 of 1882 effect against any mortgage-deed subsequently executed and registered which relates to the same property.

49. Effect of non-registration of documents required to be registered. — No document required by section 17 or by any provision of the Transfer of Property Act, 1882, be registered shall — 4 of 1882

(a) affect any immovable property comprised therein, or

(b) confer any power to adopt, or

(c) be received as evidence of any transaction affecting such property or conferring such power, unless it has been registered:

Provided that an unregistered document affecting immovable property and required by this Act or the Transfer of Property Act, 1882, to be registered may 4 of 1882 be received as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877, or as evidence of part performance 1 of 1877 of a contract for the purposes of section 53A of the Transfer of Property Act, 1882, or as evidence of any collateral transaction not required to be effected by registered instrument. 4 of 1882

50. Certain registered documents relating to land to take effect against unregistered documents. — (1) Every document of the kinds mentioned in clauses (a), (b), (c) and (d) of section 17, sub-section (1), and clauses (a) and (b) of section 18, shall, if duly registered, take effect as regards the property comprised therein, against every unregistered document relating to the same property, and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not.

(2) Nothing in sub-section (1) applies to leases exempted under the proviso to sub-section (1) of section 17 or to any document mentioned in sub-section (2) of the same section, or to any registered document which had not priority under the law in force at the commencement of this Act.

*Explanation.* — In cases where Act No. XVI of 1864 or the Indian Registration Act, 1866, was in force in the place and at the time in and at which such unregistered document was executed, «unregistered» means not registered according to such Act, and, where the document is executed after the first day of July, 1871, not registered under the Indian Registration Act, 1871, or the Indian Registration Act, 1877, or this Act.

20 of 1866.

8 of 1871.

3 of 1877.

## PART XI

Of the duties and powers of registering officers

(A) As to the register-books and indexes

51. Register-books to be kept in the several offices. — (1) The following books shall be kept in the several offices hereinafter named, namely: —

A — In all registration offices —

Book 1, «Register of non-testamentary documents relating to immovable property»;

Book 2, «Record for reasons for refusal to register»;

Book 3, «Register of wills and authorities to adopt»; and

Book 4, «Miscellaneous Register»;

B — In the offices of Registrars —

Book 5, «Register of deposits of wills».

(2) In Book 1 shall be entered or filed all documents or memoranda registered under sections 17, 18 and 89 which relate to immovable property, and are not wills.

(3) In Book 4 shall be entered all documents registered under clauses (d) and (f) of section 18 which do not relate to immovable property.

(4) Nothing in this section shall be deemed to require more than one set of books where the office of the Registrar has been amalgamated with the office of a Sub-Registrar.

52. Duties of registering officers when document presented. — (1) (a) The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it;

(b) a receipt for such document shall be given by the registering officer to the person presenting the same; and,

(c) subject to the provisions contained in section 62, every document admitted to registration shall without unnecessary delay be copied in the book appropriated therefor according to the order of its admission.

(2) All such books shall be authenticated at such intervals and in such manner as is from time to time prescribed by the Inspector General.

53. Entries to be numbered consecutively. — All entries in each book shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

54. Current indexes and entries therein. — In every office in which any of the books hereinbefore mentioned are kept, there shall be prepared current indexes of the contents of such books; and every entry in such indexes shall be made, so far as practicable, immediately after the registering officer has copied, or filed a memorandum of, the document to which it relates.

55. Indexes to be made by registering officers, and their contents. — (1) Four such indexes shall be made in all registration offices, and shall be named, respectively, Index No. I, Index No. II, Index No. III and Index No. IV.

(2) Index No. I shall contain the names and additions of all persons executing and of all persons claiming under every document entered or memorandum filed in Book No. 1.

(3) Index No. II shall contain such particulars mentioned in section 21 relating to every such document and memorandum as the Inspector General from time to time directs in that behalf.

(4) Index No. III shall contain the names and additions of all persons executing every will and authority entered in Book No. 3, and of the executors and persons respectively appointed thereunder, and after the death of the testator or the donor (but not before) the names and additions of all persons claiming under the same.

(5) Index No. IV shall contain the names and additions of all persons executing and of all persons claiming under every document entered in Book No. 4.

(6) Each Index shall contain such other particulars, and shall be prepared in such form, as the Inspector General from time to time directs.

56. [Copy of entries in Indexes Nos. I, II and III to be sent by Sub-Registrar to Registrar and filed.] Rep. by the Indian Registration (Amendment) Act, 1929 (15 of 1929), s. 2.

57. Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries. — (1) Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the Indexes relating to Book No. 1 shall be at all times open to inspection by any person applying to inspect the same; and, subject to the provisions of section 62, copies of entries in such books shall be given to all persons applying for such copies.

(2) Subject to the same provisions, copies of entries in Book No. 3 and in the Index relating thereto shall be given to the persons executing the documents



to which such entries relate, or to their agents, and after the death of the executants (but not before) to any person applying for such copies.

(3) Subject to the same provisions, copies of entries in Book No. 4 and in the Index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative.

(4) The requisite search under this section for entries in Books Nos. 3 and 4 shall be made only by the registering officer.

(5) All copies given under this section shall be signed and sealed by the registering officer, and shall be admissible for the purpose of proving the contents of the original documents.

*(B) As to the procedure on admitting to registration*

58. Particulars to be endorsed on documents admitted to registration. — (1) On every document admitted to registration, other than a copy of a decree or order, or a copy sent to a registering officer under section 89, there shall be endorsed from time to time the following particulars, namely: —

(a) the signature and addition of every person admitting the execution of the document, and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative assign or agent;

(b) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and

(c) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

(2) If any person admitting the execution of a document refuses to endorse the same, the registering officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

59. Endorsements to be dated and signed by registering officer. — The registering officer shall affix the date and his signature to all endorsements made under sections 52 and 58, relating to the same document and made in his presence on the same day.

60. Certificate of registration. — (1) After such of the provisions of sections 34, 35, 58 and 59 as apply to any document presented for registration have been complied with, the registering officer shall endorse thereon a certificate containing the word «registered», together with the number and page of the book in which the document has been copied.

(2) Such certificate shall be signed, sealed and dated by the registering officer, and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section 59 have occurred as therein mentioned.

61. Endorsements and certificate to be copied and document returned. — (1) The endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the margin of

the Register-book, and the copy of the map or plan (if any) mentioned in section 21 shall be filed in Book No. 1.

(2) The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section 52.

62. Procedure on presenting document in language unknown to registering officer. — (1) When a document is presented for registration under section 19, the translation shall be transcribed in the register of documents of the nature of the original, and, together with the copy referred to in section 19, shall be filed in the registration office.

(2) The endorsements and certificate respectively mentioned in sections 59 and 60 shall be made on the original, and, for the purpose of making the copies and memoranda required by sections 57, 64, 65 and 66, the translation shall be treated as if it were the original.

63. Power to administer oaths and record of substance of statements. — (1) Every registering officer may at his discretion administer an oath to any person examined by him under the provisions of this Act.

(2) Every such officer may also at his discretion record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and, if he admits the correctness of such note, it shall be signed by the registering officer.

(3) Every such note so signed shall be admissible for the purpose of proving that the statements therein recorded were made by the persons and under the circumstances therein stated.

*(C) Special duties of Sub-Registrar*

64. Procedure where document relates to land in several sub-districts. — Every Sub-Registrar on registering a non-testamentary document relating to immovable property not wholly situate in his own sub-district shall make a memorandum thereof and of the endorsement and certificate (if any) thereon, and send the same to every other Sub-Registrar subordinate to the same Registrar as himself in whose sub-district any part of such property is situate, and such Sub-Registrar shall file the memorandum in his Book No. 1.

65. Procedure where document relates to land in several sub-districts. — Every Sub-Registrar on registering a non-testamentary document relating to immovable property situate in more districts than one shall also forward a copy thereof and of the endorsement and certificate (if any) thereon, together with a copy of the map or plan (if any) mentioned in section 21, to the Registrar of every district in which any part of such property is situate other than the district in which his own sub-district is situate.

(2) The Registrar on receiving the same shall file in his Book No. 1 the copy of the document and the copy of the map or plan (if any), and shall forward a memorandum of the document to each of the Sub-

-Registrars subordinate to him within whose sub-district any part of such property is situate; and every Sub-Registrar receiving such memorandum shall file it in his Book No. 1.

*(D) Special duties of Registrar*

66. Procedure after registration of documents relating to land. — (1) On registering any non-testamentary document relating to immoveable property, the Registrar shall forward a memorandum of such document to each Sub-Registrar subordinate to himself in whose sub-district any part of the property is situate.

(2) The Registrar shall also forward a copy of such document, together with a copy of the map or plan (if any) mentioned in section 21, to every other Registrar in whose district any part of such property is situate.

(3) Such Registrar on receiving any such copy shall file it in his Book No. 1, and shall also send a memorandum of the copy to each of the Sub-Registrars subordinate to him within whose sub-district any part of the property is situate.

(4) Every Sub-Registrar receiving any memorandum under this section shall file it in his Book No. 1.

67. Procedure after registration under section 30, sub-section 2. — On any document being registered under section 30, sub-section (2), a copy of such document and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose district any part of the property to which the instrument relates is situate, and the Registrar receiving such copy shall follow the procedure prescribed for him in section 66, sub-section (1).

*(E) Of the controlling powers of Registrars and Inspectors General*

68. Power of Registrar to superintend and control Sub-Registrars. — (1) Every Sub-Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Sub-Registrar is situate.

(2) Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him or in respect of the rectification of any error regarding the book or the office in which any document has been registered.

69. Power of Inspector General to superintend registration offices and make rules. — (1) The Inspector General shall exercise a general superintendence over all the registration offices in the territories under the State Government, and shall have power from time to time to make rules consistent with this Act —

(a) providing for the safe custody of books, papers and documents;

(b) declaring what languages shall be deemed to be commonly used in each district;

(c) declaring what territorial divisions shall be recognized under section 21;

(d) regulating the amount of fines imposed under sections 25 and 34, respectively;

(e) regulating the exercise of the discretion reposed in the registering officer by section 63;

(f) regulating the form in which registering officers are to make memoranda of documents;

(g) regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under section 51;

(gg) regulating the manner in which the instruments referred to in sub-section (2) of section 88 may be presented for registration;

(h) declaring the particulars to be contained in Indexes Nos. I, II, III and IV, respectively;

(i) declaring the holidays that shall be observed in the registration offices; and,

(j) generally, regulating the proceedings of the Registrars and Sub-Registrars.

(2) The rules so made shall be submitted to the State Government for approval, and, after they have been approved, they shall be published in the Official Gazette, and on publication shall have effect as if enacted in this Act.

70. Power of Inspector General to remit fines. — The Inspector General may also, in the exercise of his discretion, remit wholly or in part the difference between any fine levied under section 25 or section 34, and the amount of the proper registration fee.

PART XII

Of refusal to register

71. Reasons for refusal to register to be recorded. —

(1) Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his Book No. 2, and endorse the words «registration refused» on the document; and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

(2) No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

72. Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution. — (1) Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order; and the Registrar may reverse or alter such order.

(2) If the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, the Sub-Registrar shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60; and such registration shall take effect as if the document had been registered when it was first duly presented for registration.

73. Application to Registrar where Sub-Registrar refuses to register on ground of denial of execution. —

(1) When a Sub-Registrar has refused to register a

document on the ground that any person by whom it purports to be executed, or his representative or assign, denies its execution, any person claiming under such document, or his representative, assign or agent authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply to the Registrar to whom such Sub-Registrar is subordinate in order to establish his right to have the document registered.

(2) Such application shall be in writing and shall be accompanied by a copy of the reasons recorded under section 71, and the statements in the application shall be verified by the applicant in manner required by law for the verification of plaints.

**74. Procedure of Registrar on such application.** — In such case, and also where such denial as aforesaid is made before a Registrar in respect of a document presented for registration to him, the Registrar shall, as soon as conveniently may be, enquire —

(a) whether the document has been executed;

(b) whether the requirements of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration, as the case may be, so as to entitle the document to registration.

**75. Order by Registrar to register and procedure thereon.** — (1) If the Registrar finds that the document has been executed and that the said requirements have been complied with, he shall order the document to be registered.

(2) If the document is duly presented for registration within thirty days after the making of such order, the registering officer shall obey the same and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60.

(3) Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

(4) The Registrar may, for the purpose of any enquiry under section 74, summon and enforce the attendance of witnesses, and compel them to give evidence, as if he were a Civil Court, and he may also direct by whom the whole or any part of the costs of any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the 5 of 1908 Code of Civil Procedure, 1908.

**76. Order of refusal by Registrar.** — (1) Every Registrar refusing —

(a) to register a document «except on the ground that the property to which it relates is not situate within his district or that the document ought to be registered in the office of a Sub-Registrar», or

(b) to direct the registration of a document under section 72 or section 75,

shall make an order of refusal and record the reasons for such order in his Book No. 2, and, on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

(2) No appeal lies from any order by a Registrar under this section or section 72.

**77. Suit in case of order of refusal by Registrar.** —

(1) Where the Registrar refuses to order the document to be registered, under section 72 or section 76, any person claiming under such document, or his representative, assign or agent, may, within thirty days after the making of the order of refusal, institute in the Civil Court, within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree.

(2) The provisions contained in sub-sections (2) and (3) of section 75 shall, *mutatis mutandis*, apply to all documents presented for registration in accordance with any such decree, and, notwithstanding anything contained in this Act, the document shall be receivable in evidence in such suit.

### PART XIII

Of the fees for registration, searches and copies

**78. Fees to be fixed by State Government.** — The State Government shall prepare a table of fees payable —

(a) for the registration of documents;

(b) for searching the registers;

(c) for making or granting copies of reasons, entries or documents, before, on or after registration;

and of extra or additional fees payable —

(d) for every registration under section 30;

(e) for the issue of commissions;

(f) for filing translations;

(g) for attending at private residences;

(h) for the safe custody and return of documents; and

(i) for such other matters as appear to the State Government necessary to effect the purposes of this Act.

**79. Publication of fees.** — A table of the fees so payable shall be published in the Official Gazette, and a copy thereof in English and the vernacular language of the district shall be exposed to public view in every registration office.

**80. Fees payable on presentation.** — All fees for the registration of documents under this Act shall be payable on the presentation of such documents.

### PART XIV

Of penalties

**81. Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure.** — Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby

cause, injury, as defined in the Indian Penal Code, to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both. 45 of 1860

82. Penalty for making false statements, delivering false copies or translations, false personation, and abetment. Whoever —

(a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act; or

(b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan; or

(c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or

(d) abets anything made punishable by this Act;

shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

83. Registering officer may commence prosecutions. — (1) A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be commenced by or with the permission of the Inspector General, the Registrar or the Sub-Registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed.

(2) Offences punishable under this Act shall be triable by any Court or officer exercising powers not less than those of a Magistrate of the second class.

84. Registering officers to be deemed public servants. — (1) Every registering officer appointed under this Act shall be deemed to be a public servant within the meaning of the Indian Penal Code. 45 of 1860

(2) Every person shall be legally bound to furnish information to such registering officer when required by him to do so.

(3) In section 228 of the Indian Penal Code, the words «judicial proceeding» shall be deemed to include any proceeding under this Act. 45 of 1860.

## PART XV

### Miscellaneous

85. Destruction of unclaimed documents. — Documents (other than wills) remaining unclaimed in any registration office for a period exceeding two years may be destroyed.

86. Registering officer not liable for thing bona fide done or refused in his official capacity. — No registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.

87. Nothing so done invalidated by defect in appointment or procedure. — Nothing done in good faith pursuant to this Act or any Act hereby

repealed, by any registering officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

88. Registration of documents executed by Government officers or certain public functionaries. — (1) Notwithstanding anything contained in this Act, it shall not be necessary for —

(a) any officer of Government, or

(b) any Administrator General, Official Trustee or Official Assignee, or

(c) the Sheriff, Receiver or Registrar of a High Court, or

(d) the holder for the time being of such other public office as may be specified in a notification in the Official Gazette issued in that behalf by the State Government,

to appear in person or by agent at any registration office in any proceeding connected with the registration, of any instrument executed by him or in his favour, in his official capacity, or to sign as provided in section 58.

(2) Any instrument executed by or in favour of an officer of Government or any other person referred to in sub-section (1) may be presented for registration in such manner as may be prescribed by rules made under section 69.

(3) The registering officer to whom any instrument is presented for registration under this section may, if he thinks fit, refer to any Secretary to Government or to such officer of Government or other person referred to in sub-section (1) for information respecting the same and, on being satisfied of the execution thereof, shall register the instrument.

89. Copies of certain orders, certificates and instruments to be sent to registering officers and filed. — (1) Every officer granting a loan under the Land Improvement Loans Act, 1883, shall send a copy of 19 of 1883 his order to the registering officer within the local limits of whose jurisdiction the whole or any part of the land to be improved or of the land to be granted as collateral security, is situate, and such registering officer shall file the copy in his Book No. 1.

(2) Every Court granting a certificate of sale of immoveable property under the Code of Civil Procedure, 1908, shall send 5 of 1908 a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immoveable property comprised in such certificate is situate, and such officer shall file the copy in his Book No. 1.

(3) Every officer granting a loan under the Agriculturists' Loans Act, 1884, shall 12 of 1884 send a copy of any instrument whereby immoveable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1.



(4) Every Revenue-officer granting a certificate of sale to the purchaser of immoveable property sold by public auction shall send a copy of the certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the property comprised in the certificate is situate, and such officer shall file the copy in his Book No. 1.

90. Exemption of certain documents executed by or in favour of Government. — (1) Nothing contained in this Act or in the Indian Registration Act, 3 of 1877 1877, or in the Indian Registration Act, 8 of 1871 1871, or in any Act thereby repealed, shall be deemed to require, or to have at any time required the registration of any of the following documents or maps, namely: —

(a) documents issued, received or attested by any officer engaged in making a settlement or revision of settlement of land-revenue, and which form part of the records of such settlement; or

(b) documents and maps issued, received or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey; or

(c) documents which, under any law for the time being in force, are filed periodically in any revenue-office by patwaris or other officers charged with the preparation of village-records; or

(d) sanads, inam title-deeds and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land; or

(e) notices given under section 74 or section 76 of the Bombay Land- 5 of 1879 Revenue Code, 1879, of relinquish- Bom. Act ment of occupancy by occupants, or of alienated land by holders of such land.

(2) All such documents and maps shall, for the purposes of sections 48 and 49, be deemed to have been and to be registered in accordance with the provisions of this Act.

91. Inspection and copies of such documents. — Subject to such rules and the previous payment of such fees as the State Government prescribes in this behalf, all documents and maps mentioned in section 90, clauses (a), (b), (c) and (e), and all registers of the documents mentioned in clause (d), shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

92. [Burmese registration rules confirmed.] *Rep. by the Government of India (Adaptation of Indian Laws) Order, 1937.*

#### Repeals

93. [Repeals.] *Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and Sch.*

THE SCHEDULE.—[Repeal of Enactments.] *Rep. by s. 2 and Sch., ibid.*

## The Goa, Daman and Diu Registration Rules, 1965

### Indian Registration Act 1908

In its application to the Union Territory of Goa, Daman and Diu

In exercise of the powers conferred by sections 22 and 69 of the Indian Registration Act, 1908, as extended to the Union Territory of Goa, Daman and Diu and all other powers enabling him in this behalf, the Inspector General of Registration of Goa, Daman and Diu has made the following rules which having been approved by the Lt. Governor of Goa, Daman and Diu, are hereby published for general information: —

#### I. Preliminary

1. Short title. — (1) These rules may be called the Goa, Daman and Diu Registration Rules, 1965.

(2) They shall come into force on the 1st day of November, 1965.

2. In these rules unless the context otherwise requires: —

(1) «Act» means the Indian Registration Act, 1908;

(2) «Addition» shall include, besides the other elements defined in sub-section (1) of section 2 of the Act, the marital condition of the person described;

(3) «Form» means a form appended to these rules;

(4) «Index» means an index mentioned in section 55 or rule 26;

(5) «Inspector» means an Inspector of Registration Offices appointed under section 8;

(6) «Register books» means the books kept under section 51 and includes additional register books opened under rule 7 and supplement to register book no. 1 opened under rule 8;

(7) «Schedule» means a schedule appended to these rules;

(8) «Section» means a section of the Act.

#### II. Languages Recognized

3. Languages in use in the District. — English, Hindi, and Marathi (written in the Devanagari Script) and Konkani (written in Roman or Devanagari Script) are deemed to be the languages to be commonly used in the District of Goa.

#### III. Territorial Divisions

4. Territorial Divisions for purposes of section 21. — The territorial divisions recognised for the purposes of sub-section (3) of section 21, shall be the district, sub-district, taluka, township, panchayat and village, wherein the immoveable property affected by the document is situated.

#### IV. Office Hours

5. Hours of accepting documents ordinarily and in case of emergency. — (1) No document shall be accepted for registration at any registration office unless it is presented during office hours on a working day and at least one hour before the time fixed for the closing of the office.

(2) Notwithstanding anything contained in sub-rule (1) in cases of grave emergency, the registering

officer may accept any document for registration at his office or his private residence, or the private residence of same person other than himself, at any hour on any day. In all such cases, a Sub-Registrar shall at once report to the Registrar to whom he is subordinate, the fact of his having accepted a document for registration and the reasons for his doing so.

#### V. Books and Forms

6. Forms of register books. — The register books Nos. 1 to 5 required to be kept under section 51, shall be in Forms A, B, C, D and E, respectively.

7. Opening of additional register books for documents prepared on printed or lithographed forms and manner in which copies to be pasted. — (1) Special volumes of register books Nos. 1, 3 and 4 (in the rules referred to as the «additional register books») may be opened in any registration office, where documents prepared on printed or lithographed forms are presented for registration by the parties or are drawn up in the office. The additional register books shall be in the form of file books with numbered butts and shall be in the following form namely: —

(Space of binding)	Column 1 «Serial no. of document» (with notes of erasures, interlineations, blanks or alterations under rule 48)	(Space for pasting printed form)
--------------------	---	----------------------------------

(2) The copy of each such document with endorsements thereon in the original required for entry in an additional register book shall be made by filling in blanks in the spare copy of the form of such document supplied by the parties or by the department and by copying the endorsements on the spare copy or on a separate sheet of paper, when necessary. Each sheet of such copy shall then be pasted on a separate numbered butt in the appropriate additional register book and the registering officer shall write his signature and the date, and shall affix the seal of the office, so that both signature and seal may be partly on each butt, so used and partly on the sheet pasted thereon.

(3) All documents entered in the additional register books shall be numbered in the same series as documents copied in the ordinary volumes of the register books. Whenever any document is transferred from the register book Nos. 1, 3 or 4 to the additional register book Nos. 1, 3 or 4, respectively, a brief note indicating the number of the document and the page of the additional register book at which such document has been pasted shall be inserted in the register book Nos. 1, 3 or 4, as the case may be, at the place where the document in question would have been copied, but for the transfer.

8. Supplements to register book no. 1 and file of copies and translations. — (1) Supplements to register book No. 1 shall be kept as follows;

Part I — (for the purposes of sections 64, 65, 66 and 67);

Part II — (for copies of maps or plans such as those mentioned in section 21);

Part III — (1) (for copies of certificates of sale of immovable property granted by Civil Courts and Revenue officers and such other officers as may be specified in this behalf by the Inspector General of Registration, from time to time);

(2) (For statements regarding land acquired under the Land Acquisition Act, 1894, received from the Collector);

Part IV — (For copies of orders under the Land Improvements Loans Act, 1883, and for copies of orders and mortgage instruments whereby immovable property is mortgaged for securing the repayment of a loan under the Agriculturist's Loans Act, 1884).

Part V — (For copies of instruments received under section 122 of the Maharashtra Co-operative Societies Act, 1960, as extended to the Union Territory of Goa, Daman and Diu).

(2) A separate file shall be kept for filing copies and translations of documents presented under sections 19 and 62, and another file shall be kept for the purposes of sub-rule (2) of rule 45. The copies, translations and certificates filed in these two files, shall be connected by cross reference with the entries in the register books.

9. File of copies of «Tagavi» bonds. — A separate file styled «File of copies of Tagavi bonds» shall be opened for filing copies received under sub-section (1) or (3) of section 89.

10. Minute book and its use. — Every registering officer shall keep a minute book in Form F, and shall enter therein in his own hand, a short note of every case of suspension or deviation from ordinary procedure of acceptance for, and admission to, registration and shall also record therein notes of such other proceedings of cases as may, from time to time be specified by the Inspector General of Registration. Every such note shall be signed and dated by the registering officer;

Provided that a Registrar may delegate the duty of writing such note to a Sub-Registrar holding his office at headquarters of the Registrar, but shall sign the same himself. Such note shall be necessary: —

- when a Registrar or Sub-Registrar impounds a document for insufficiency of stamp duty;
- when a Sub-Registrar postpones registration pending receipt of sanction to the levy of fine;
- when a Sub-Registrar refuses registration;
- when a document is received out of office hours or at another place;
- when a summons is issued for enforcing the attendance of the executant or other witnesses;
- when a document is withdrawn;
- when a document is returned for removal of ordinary impediments.

11. Day Book. — Every registering officer shall keep a Day Book in Form G.

12. Cash Book. — In every registration office there shall be kept a Cash Book in Form H. All fees received in respect of registration, grant of copies and authentication (or attestation) of powers-of-attorney and all other fees, fines and moneys recovered by the registering officer, shall be brought to account in the Cash Book every day, and the registering officer shall sign the same in token of the correctness of the days total.

13. Register of powers-of-attorney. — Every registering officer shall keep a register of the powers-of-

-attorney authenticated or attested by him under section 33 in Form I. The entries in this register shall be made for each calendar year.

**14. Forms of memoranda under sections 64 to 67.**

— The memoranda of documents required to be made under sections 64, 65, 66 and 67, shall be in Form J.

**15. Manner of certifying and verifying pages of new register books and the simultaneous use thereof.**

— (1) Every officer shall certify under his signature on the title page of every register book issued by him, the number of pages actually contained in such book as required by sub-section (2) of section 16 and shall also note the date of issue thereon.

(2) Every registering officer on receiving a new register book shall count its pages and satisfy himself that their number tallies with that given in the certificate on the title page. If it so tallies, the registering officer shall certify to that effect on the title page and note thereon the date of the certificate. If the number does not so tally, he shall return the register book to the issuing officer for rectifying the error. The registering officer shall note on every register book received by him, the date of its receipt by him under his signature, and shall take up the books for use in order of their receipt;

Provided that when the volume of copying work is great, two or more volumes of register books Nos. 1, 3 and 4 may be used simultaneously. In such case, the use of the register books shall be regulated according to the regulations made by the Inspector General of Registration in this behalf.

(3) When a book is written up or completed, the registering officer shall examine it and certify at the end of the book that the paging is correct according to the certificate on the first page. If any discrepancy in the paging is found, he shall at once report it to the Registrar.

**16. Numbering of volumes of register books.**—The volumes of each register book shall be numbered in a consecutive series which shall not terminate with the year, but be carried on perpetually; and it shall not be necessary to commence a fresh volume of a register book at the beginning of a year.

**VI. Safe Custody of Books, papers and documents**

**17. Manner of keeping of register books and records when not in use.**— (1) The office of every Registrar and Sub-Registrar, shall be provided with shelves, presses or almirahs, sufficiently large to contain the register books and other records. All register books and other records and all papers and documents in the custody of a registering officer, other than documents kept by a Registrar in a fire-proof box shall, when not required during office hours, be kept in such shelves, presses or almirahs as the case may be.

(2) The complete records in the offices of the Sub-Registrar shall be kept at such places as the Inspector General of Registration may, from time to time, determine.

**VII. Re-copying of Register Books**

**18. Manner of re-copying register books or portions thereof.**— (1) A Registrar may, on the report of an Inspector or after personal inspection, by a written order direct under sub-section (5) of section

51 that any particular register book or portion thereof which is in danger of being destroyed or becoming wholly or partially illegible shall be re-copied;

Provided that where only a portion of an entry is in danger of being destroyed or becoming illegible, the registering officer shall direct that the whole entry including the true-copy certificate shall be re-copied.

(2) Every entry which is directed to be re-copied, shall be re-copied in the new register book in its entirety along with the true-copy certificate and each entry so re-copied shall be carefully compared with the entry in the original register book. The registering officer shall then certify under his signature in the manner laid down in rule 50 that it is a true copy. A note of the Registrar's order directing the re-copying of the entry shall be made below the true copy certificate so re-copied.

(3) A note shall be made in the old register book, below each original entry which has been re-copied, showing the number of new register book and the number of the page of such book in which the entry has been re-copied.

(4) When an entire register book is re-copied, the new register book shall bear the same number as the old one. After the entries in the new register book have been compared with the entries in the old register book and the new register book certified by the registering officer as aforesaid, the old register book shall be destroyed and a note about its destruction shall be made in the catalogue of records. Such note shall also show the number of the new register book in which the entries from the old register book have been re-copied.

(5) Where only a portion of the register book is to be re-copied, the new register book in which that portion is re-copied shall bear a fresh serial number, such as 1-A, 2-A, 3-A, 4-A or 5-A, as the case may be.

**19. Register of partially re-copied register books.**— A register containing the full particulars of the partially re-copied register books shall be maintained in Form K. Such register shall be preserved permanently.

**20. Signing and dating of notes.**— All notes made under the rules contained in this Part shall be signed and dated by the registering officer.

**21. Repairing of damaged register books by use of butter paper.**— If in the opinion of the Registrar any register book, which is wholly or partially damaged but the writing on which is clear and legible and which is less than 60 but more than 40 years old can be repaired by using butter paper, he may by an order in writing direct that such book or such portion thereof as he thinks fit shall be so repaired instead of being re-copied as provided in rule 18.

**VIII. Fines under Sections 25 and 34**

**22. Procedure to be followed by Sub-Registrar on receipt of an application under section 25 or 34.**— When an application for a direction under sub-section (1) of section 25 or under the proviso to sub-section (1) of section 34 is lodged with a Sub-Registrar, the Sub-Registrar shall, on payment being made to him of the maximum amount of fine imposable by the Registrar under rule 24, at once proceed with the

enquiry prescribed in sub-section (3) of section 34 and shall endorse on the document the particulars prescribed in section 58 in the manner shown in Form L, but the certificate under section 60 shall not be endorsed until the Registrar's direction under sub-section (1) of section 25 or the proviso to sub-section (1) of section 34 is communicated to the Sub-Registrar;

Provided that nothing in these rules shall be deemed to affect the powers of a Registrar to refuse such application.

**23. Refund of fine.** — Where the application for a direction lodged with the Sub-Registrar under sub-section (1) of section 25 or under the proviso to sub-section (1) of section 34 is refused by the Registrar, the whole amount of fine paid by the applicant under rule 22 and where the amount of fine imposed by the Registrar is less than the amount of fine paid by the applicant under rule 22 the excess amount of fine, shall be refunded to the applicant;

Provided that when a direction is made under section 25 but the Registrar refuses to direct registration under the proviso to sub-section (1) of section 34, the fine imposed under section 25 shall not be refunded.

**24. Scale of fines under section 25 or 34.** — The scale of fines to be imposed under section 25 or 34 shall be as follows, namely: —

(1) If the delay does not exceed one month — not exceeding  $2\frac{1}{2}$  times the proper registration fee;

(2) If the delay exceeds one month but does not exceed two months — not exceeding 5 times the proper registration fee;

(3) If the delay exceeds two months but does not exceed three months — not exceeding  $7\frac{1}{2}$  times the proper registration fee;

(4) If the delay exceeds three months but does not exceed four months — not exceeding 10 times the proper registration fee.

*Note.* — This rule does not affect the Registrar's discretion to impose a smaller fine than the above maximum, under sections 25 and 34, in suitable cases.

#### IX. Indexes

**25. Language in which indexes to be prepared.** — Indexes shall be prepared in English.

**26. Forms of indexes under section 55.** — Indexes nos. I, II, III, IV, V and VI shall be made in Forms M, N, O, P, Q and R, respectively.

**27. Manner of preparing indexes.** — The names shall be indexed under the initial letter of the first name. All prefixes and suffixes denoting rank or occupation shall be put into brackets and shall not be taken into consideration for the purpose of preparing indexes in alphabetical order.

**28. Manner of indexing documents.** — (1) All documents executed by or on behalf of Government shall be indexed under «Government».

(2) A document executed under the authority of a power-of-attorney shall be indexed in the names of both the principal and the attorney. A document executed by a guardian on behalf of a minor shall be

indexed in the names of both the minor and the guardian. A document executed by or on behalf of a Company or Corporation shall be indexed in the name of the Company or Corporation, as the case may be.

(3) In the case of certificates of sale, index no. I shall be prepared in the name of the judgment debtor.

**29. Manner of indexing entries of memoranda or copies filed under sections 64 to 67 and 89 (2), (4), (5) and (6).** — The index entries of memoranda or copies filed under sections 64, 65, 66, 67 and sub-sections (2), (4), (5) and (6) of section 89, and statements of land acquired under the Land Acquisition Act, 1894, shall be made in the same indexes and in the same manner as entries concerning documents entered or filed in register book No. 1.

**30. Date of registration to be entered in Indexes.** — In entering the date of registration in any of the indexes, the date entered on the certificate of registration under section 60 shall be taken to be the date of registration;

Provided that in the case of documents filed in Part I, III, IV or V of the Supplement to register book No. 1 or of copies filed under sub-section (1) or (3) of section 89, the date of their filing shall be taken to be the date of registration.

**31. Manner of preparing different Indexes.** — (1) When there are several executants of a deed, a separate entry shall be made under the names of each of them in proper alphabetical order in column 1 of indexes nos. I and V.

(2) Indexes nos. II and VI shall be prepared town/village-wise, one or more separate sheets being assigned to every town/village. In the case of such towns as a Registrar may in his discretion declare to be large towns, separate sheets shall be used for each Municipal division, ward, quarter or street.

(3) In the case of city surveyed areas, an additional index no. II shall be prepared in the special card form, namely, Part II of form N, a separate card being used for each city surveyed property.

**32. Binding of Indexes.** — (1) After the close of the year the Sub-Registrar should send the indexes of his office to the Registrar for being bound into volumes.

(2) Before forwarding his indexes to the Registrar, the Sub-Registrar should see that no errors are committed and in token of this, attach a certificate at the end under his signature and date, that he has examined and compared the indexes and found them to be correct and without omissions. He should then number the pages of each volume and the number should be noted at the end under his signature and date.

(3) No bound volume of index should contain more than 500 sheets.

(4) Indexes containing 50 sheets or less should not be bound but kept stitched in office. They should be bound together when they approximate 200 sheets, even if they pertain to more than one complete year. Those of Index nos. III and IV may be bound when they approximate 50 sheets.

**33. Manner of filling in columns 5, 6 and 8 of Index no. III.** — Columns 5, 6 and 8 of Index no. III in Form O shall not be filled in until it has been ascer-



tained beyond dispute that the testator or donor, to whose will or authority to adopt the index entry relates, is dead. If the fact of such death is not ascertained till after the index in which the entry was made has been sent by the Sub-Registrar to the Registrar, the Sub-Registrar shall immediately forward to the Registrar, a statement of the particulars to be inserted in the said columns, and the Registrar shall thereupon cause the said particulars to be duly entered in the index so sent to him for filing in his office.

34. Manner of preparing index of register book no. 2.— At the end of every year an alphabetical index in Form S shall be prepared at the beginning of register book No. 2 of all the entries in such book.

#### X. Procedure of Registration

35. Form of presentation endorsement.— (1) The registering officer shall make endorsement as required by section 52, either by writing or impressing it on every document presented to him for registration, in the following form, namely:—

Presented at the office of the Registrar/Sub-Registrar of ..... between the hours of ..... and on the ..... 19 ...

(2) The Registrar or the Sub-Registrar may, by written order, delegate the duty of recording the endorsements under this rule to a Sub-Registrar or the principal ministerial officer of his office.

(3) Any instrument executed by or in favour of any officer referred to in sub-section (1) of section 88 may be presented for registration to the registering officer under a covering letter from such officer issued in his official capacity.

36. Manner of filling in Day Book.— (1) On receipt of a document for registration, a registering officer shall fill in the first three columns of the Day Book in form G and then proceed to recover the proper registration fees payable in respect of the document.

(2) The serial number under which a document is entered in the Day Book shall be endorsed on the document above the endorsement made under rule 35.

37. Manner of calculating copying fees.— In calculating copying fees, in the case of documents copied by hand a part of a folio shall be counted as a whole folio. When a document is short and the copy thereof is likely to cover less than a page of a register book, the whole number of words shall be counted. In other cases, the number of folios may be counted by multiplying the average number of words in five different lines in different parts of the document by the number of lines in the document (fraction of a word being counted as a word) and dividing the result by one hundred;

Provided that the transcription made under rule 46 shall not be taken into account in calculating the copying fees.

38. Form of receipt to be passed.— (1) A registering officer shall pass a receipt in form T whenever a document is presented for registration or deposit or whenever payment of any fees or fine or other amount is made to him.

(2) A registering officer visiting a private residence or jail under the proviso to section 31, sub-

section (3) of section 33 or sub-section (2) of section 38, as the case may be, on being paid his travelling expenses, shall pass a similar receipt.

39. Form of fee endorsement.— (1) On receipt of the fees, the registering officer shall endorse on the document the following note, namely:—

Received fees for—

	Rs.	Ps.
Registration .....		
Copying (folios) .....		
Copying endorsements .....		
Postage .....		
<b>TOTAL</b> .....	<b>Rs.</b>	

A. B.

Registrar or Sub-Registrar

(2) When the fees for any other items specified in the form «T» are levied, these items shall be noted in manuscript.

40. Certain requirements to be verified before accepting a document for registration.— (1) Before accepting any document for registration, a registering officer may not concern himself with its validity, but shall ascertain:—

(a) that it is properly stamped;

(b) that it is presented within the prescribed time and in the proper office;

(c) that it was presented by a competent person;

(d) if it relates to immovable property, that it is not open to objection under section 21 or 22;

(e) if any document is in a language which he does not understand, that the provisions of section 19 are complied with;

(f) that any interlineations, blanks, erasures or alterations appearing in the document are attested by the signature or initials of the person or persons executing the same as required by section 20;

(g) that the dates of execution of the document, if written according to more than one calendar, tally with each other.

(2) If on presentation of the document, the fees prescribed under section 78 are not paid on demand, the registering officer shall refuse to register the document.

41. Withdrawal when allowed.— A registering officer may, before the admission of any of the executants is recorded, at the request in writing of the party presenting the document for registration, allow him to withdraw the same.

42. Procedure when a document is not properly stamped.— (1) When a document, which is not duly stamped, is presented for registration, and the registering officer impounds it under the Indian Stamp Act, 1899, he shall not forward the document to the Collector until the executant or executants appear before him for the purpose of enquiry under section 34 or until the expiration of the period of 4 months specified in section 34, whichever is earlier. The endorsements under rules 35 and 39 and section 58 shall be made on the document before it is sent to the Collector but it shall not be copied or certified as registered until it has been returned to the registering officer with the Collector's certificate that the proper stamp duty has been paid thereon.

(2) If a document is impounded under the Indian Stamp Act, 1899, the registering officer shall record

a statement immediately below the endorsement made under rule 35 that such document is impounded under section 33 of the Indian Stamp Act, 1899, and shall sign such statement.

(3) The Registrar or the Sub-Registrar may, by order in writing, delegate the duty of recording the statement under sub-rule (2) to his principal ministerial officer or any other suitable person of his office.

**43. Mode of writing endorsements and certificates when blank space is insufficient.** — (1) Every document admitted to registration shall provide a blank space for writing endorsements under sections 52 and 58 and the certificate under section 60. If, in any case, the blank space on a document is insufficient for writing endorsements, an extra piece of blank paper shall be firmly gummed on or attached to it, so as not to overlay any of the matter originally written in the document and the registering officer shall make each of the said endorsements and certificate partly on the document itself and partly on the piece of paper so gummed on or attached.

(2) When an extra piece of paper is stitched to the document, or where a document is written on more pages than one, the registering officer shall affix his seal on each joint.

**44. Procedure on admission of document to registration.** — (1) If a registering officer does not, on the face of it, see any objection to accepting a document for registration, he shall proceed with the enquiry under section 34 and if the document is admitted to registration, the endorsements under section 58 and the certificate under section 60 shall be made in the manner shown in Form L.

(2) The registering officer shall not endorse an admission of receipt of consideration unless the admission is voluntarily made.

(3) If a person executing a document admits that he has executed it, but denies receipt of consideration either in whole or in part, the registering officer shall not refuse to register the document on that account, but shall make a note of such denial in the endorsement.

(4) When a registering officer is acquainted either with the person admitting execution of a document or with the witness to his identity, he shall make a note in the endorsement to that effect. If the registering officer is not acquainted with the executant and no witness with whom the registering officer is acquainted is produced to identify the executant, the registering officer shall either —

(a) examine any two witnesses, produced by the executant to prove his identity; or

(b) examine on oath the executant and one witness produced by the executant to prove his identity.

(5) Where the person appearing before the registering officer as an executant of a document is in the military employment of Government or bears an identity card passed by the Government of Goa, Daman and Diu or is a Public servant bearing his personal identity card, the registering officer shall, if such person produces his identity card duly certified and bearing his photograph, accept it as sufficient proof of his identity, unless the registering officer has ground to believe that the identity card is not genuine. If the identity card is accepted as such proof, the registering officer shall endorse on the document

the number of the identity card and the designation of the authority purporting to have signed and certified it.

**45. Description of property.** — (1) Documents relating to immovable property shall when describing the property do so —

(i) in areas which are notified by the Government as areas in which survey has been completed, by reference to the survey number;

(ii) in other areas by reference to

(a) the registration number of the property in the Revenue Department (Matriz) and

(b) whenever the property is described in the Land Register («descrição predial») that number; and

(iii) in all these cases a complete and actual description of the property shall be given along with the above mentioned number or numbers.

(2) Further if the property is not described in the Land Register the party shall produce a certificate proving such omission and that certificate shall be filed in a special file to be maintained in each Registering office.

**46. Manner of copying stamp vendor's endorsements on register books and copies prepared under sections 64 to 67.** — When a document admitted to registration is being copied in the appropriate register book as required by section 52, the value of the stamp and the stamp vendor's endorsement shall be transcribed at the beginning of the copy in such book and also on the copies prepared under sections 64 to 67.

**47. Items to be copied in certain columns of register books nos. 1, 3 and 4.** — The following items shall be copied in column 2 of register books Nos. 1 and 4 and in column 3 of register book No. 3, namely. —

(1) the serial number endorsed on the document under rule 36;

(2) the presentation endorsement referred to in rule 35;

(3) the fee endorsement under rule 39;

(4) the endorsements under sections 52, 58 and 59;

(5) the inscription endorsement under rule 69;

(6) the certificate under section 60, in the order in which they appear on the document.

**48. Manner of noting interlineations, etc., and writing marginal notes.** — (1) Any interlineation, blank, erasure, or alteration in a document presented for registration and in the endorsements made on it shall be copied into the relevant register book exactly as they appear in the document and in the endorsements.

Marginal notes explaining such interlineation, blank, erasure or alteration shall be written in column 1 of the relevant register book in the following manner, namely: —

(a) in the case of an interlineation, or alteration a single mark «X» in red ink shall be made over it and a similar mark «X» in red ink shall be made in column 1, against it and the word «sic» shall be written in the said column after such mark;

(b) In the case of an erasure of blank, two marks «XX» in red ink, one at each end of such erasure or blank shall be made and similar mark shall be

made in column 1, against it and the word «erasure» or «blank», as the case may be, shall be written after such marks. All such notes shall be attested by the initials of the registering officer.

(2) The same procedure shall be adopted in the case of copies granted under section 57 or those forwarded under sections 65, 66 and 67.

49. Manner of copying endorsements in case of documents running on more than one page. — If the copy of a document occupies more than one page of a register book, the endorsements on the documents shall be copied once only, with the exception of the serial number, which shall be repeated on every page. The endorsements shall in no case be copied alongside of the copy of any document other than that to which they relate. If in the case of any document, copies of the endorsements in column 2 of a register book extend lower down than the space occupied by the copy of the document in the column in which the document is copied, the blank space left in the last named column shall be cancelled by cross lines in ink being drawn over it.

50. Comparing and attestation of entries in register books, endorsements of copying, reading and comparing how to be made, manner of noting and attesting interlineations, etc., delegation of duties of attesting copies of documents, etc., by Registrars and Sub-Registrars. — (1) When the copy in a register book has been completed, it shall be carefully compared with the original and the copyist, the reader and the comparer shall, respectively, endorse below the copy the words «copied by me», «read by me» and «compared by me» and shall attach their respective signatures thereto;

Provided that where there is no separate reader and the comparing is done by the Sub-Registrar himself by «eye method» it shall not be necessary to make the endorsement «read by me».

(2) The registering officer shall then certify under his signature that it is a true copy.

(3) All interlineations, blanks, erasures, and alterations made at the time of copying shall be bracketed in red ink, attested by the registering officer on each side, consecutively numbered in red ink, and classified under the categories: interlineations, blanks, erasures, and alterations.

(4) The form of certificate shall be as illustrated below: —

«True copy»

Number of mistakes: 8 (eight).

(1) and (7) interlineations; (2), (3) and (6) blanks; (4) and (8) erasures; (5) alteration (initials of the registering officer).

(Signed) A. B.

Registering officer

(5) The Registrar or the Sub-Registrar may, by written order, delegate the duty of recording the endorsements to his principal ministerial officer or any other suitable person of his office.

(6) The true copy certificate shall, in the case of copies given under section 57 from the central office of record, be signed by the Sub-Registrar at headquarters.

51. Procedure in case of re-registration. — In case of re-registration under section 24, the document shall be copied into a register book in extenso, and shall be given the next serial number;

Provided that a note in red ink indicating the number of the volume of the register book and the page at which it is re-registered shall be made in the register book on the first copy of the document in column 2 of register book Nos. 1 and 4 and in column 3 of register book No. 3 below the signature of the registering officer, and such note shall be dated and signed by the officer who re-registers the document. The presentation endorsement specified in rule 35 shall be made on representation.

52. Registration in wrong office, how set right. — When a Sub-Registrar registers a document relating to immovable property not situated within his own sub-district, but in that of another sub-district, he shall, on noticing the mistake, direct the person who presented it, to present it again in the proper office.

53. Procedure when document is presented for registration in duplicate. — Copies or memoranda under sections 64 to 67 in respect of duplicates not to be sent. Indexes of duplicates not to be made. Mode of filing copies of maps or plans accompanying duplicate. — (1) When a document is presented for registration, with its duplicate or duplicates, the endorsements required to be made under sections 52, 58 and 59 shall be endorsed on the original as well as on the duplicate or duplicates. Copy of the original document shall be made in the appropriate register book, the duplicate or duplicates thereof shall not be so copied;

Provided that a note stating the number of duplicates presented along with the original shall be made below the entry of the original in the register book. The contents of a certificate of registration prescribed under section 60 shall be the same for the original, as well as for the duplicate or duplicates.

(2) A copy or memorandum required to be forwarded under sections 64 to 67, shall not be forwarded in respect of the duplicate or duplicates but in respect of the original only. A note of the number of duplicates presented along with the original shall be made below the true copy certificate in the case of a copy and in the «Remarks» column in the memorandum.

(3) Indexes shall be prepared in respect of the original only.

(4) If a document is accompanied by a map or plan, the duplicate or duplicates of such documents shall each be accompanied by a copy of the map or plan. The copy of the map or plan accompanying the original shall alone be filed in Part II of the Supplement to register book No. 1. Copies of maps or plans relating to the original only and not to the duplicate or duplicates shall be forwarded to registering office under sections 65 to 67.

54. Endorsement on copies of maps and plans received under section 21 and below true copies of documents concerned. Endorsements to be signed and dated. Attestation of copies of maps or plans by executant. — (1) On the copy of every map or plan, received under section 21, the registering officer shall make the following endorsement, namely: —

«Copy of map or plan accompanying the document registered at number ... at page ... volume ... of register book no. 1».

The registering officer after entering the copy of the map or plan in Part II of the Supplement to register book no. 1 shall make a note in the register book no. 1 below the true copy certificate of the document to which it belongs, as follows: —

«Copy of map or plan accompanying is entered at page ... of volume ... of Part II of the Supplement to the Register book no. 1».

(2) These endorsements shall be dated and signed by the registering officer.

(3) The copies of maps or plans shall be attested by the signature of the person executing the document or their authorized agents.

**55. Return of documents to parties in person and by post.** — (1) When after the registration is completed and the document is returned under section 61, the registering officer shall obtain the signature of the recipient in the Day Book in Form «G» in acknowledgement of the receipt of the document. The receipt given under section 52 and produced by the recipient shall then be returned to the recipient after the date of the return of the document is endorsed thereon and the endorsement is initialled by the Registrar or Sub-Registrar or by their principal ministerial officer or any other suitable person of their office.

(2) When a person presenting a document for registration signifies a wish that the document should be returned to him by post, receipt given to him under section 52 shall bear an endorsement that the document will be returned by post and such endorsement may be initialled as provided in sub-rule (1). The document shall, when it is returned under section 61, be returned in a registered cover with a form of acknowledgement. The registration receipt granted by the post office and the acknowledgement of the recipient, when received, shall be separately filed and their numbers shall be noted in column 13 of the Day Book.

**56. Documents which are kept separate. List of unclaimed documents to be hung up. Notice to presenter or his nominee, if any, for unclaimed documents and manner of sending it.** — (1) Documents of which registration is not complete and registered documents pending delivery, shall be kept separate.

(2) A list of documents which have been registered, and have remained unclaimed for more than one month from the date of completion of registration, shall be hung up to public view in Form «S» in the office of every registering officer.

(3) If a document remains unclaimed for one calendar month after its registration, or after registration of the same has been refused, the registering officer shall, on the day following the last day of such month, issue a notice in Form «V» to the person who presented the document or his nominee, if any, informing him that if it be not claimed within a further period of one month from the date of the notice, an extra fee at the rates prescribed in the Table of Fees prescribed under section 78 shall be leviable before such document can be delivered to him. Such notices shall be sent by post.

**57. Contents of copy of reasons under sections 71 and 76.** — The copy of reasons required to be given to an applicant under sections 71 and 76 shall be a copy of the entries in register book no. 2 relating to the document of which registration has been refused.

**58. Copy of order passed by Registrar on appeal or application to be sent to Sub-Registrar and manner of copying it in register book No. 2.** — A copy of every order passed by a Registrar on appeal or application shall be sent to the Sub-Registrar against whose decision the appeal or application was made, and the substance of the order, with a brief statement of the reasons therefor, in case of refusal, shall be copied by the Sub-Registrar in column 5 of the register book No. 2.

#### XI. Returns and Accounts

**59. Remission of fees.** — Every registering officer shall maintain a Cash book. All moneys received should be entered then and there in the book and attested by the Head of the Office in token of receipt. The receipts issued to the parties for moneys received should be collected and the receipt numbers should be entered in the Cash book.

**60. Manner of remission of fees into Treasury.** — The amount collected should be remitted to the nearest Treasury or the State Bank of India, as the case may be, on the day of collection, and if this is not possible on the next following day. Money should be credited by a chalan. Credit of the money into the bank or Treasury should be recorded in the Cash book on the payment side and the chalan number should be entered against it. The receipted chalan should be kept in a separate file.

**61. Dates of closing accounts.** — The registering officers shall close their accounts on the date on which the Treasury, in which the fees are remitted by them, closes its accounts each month.

**62. Submission of monthly work statement by Registrar and Sub-Registrars.** — Every Sub-Registrar shall, on the last day of each month, submit to the Registrar, to whom he is subordinate, a monthly return in Part I of Form «W» and every Registrar shall, on or before 5th day of each month, submit to the Inspector General of Registration, a monthly return in Part II of Form «W» on the basis of the monthly return submitted to him by the Sub-Registrars.

#### XII. Authentication and Attestation of Powers of Attorney

**63. Forms of authentication and attestation of powers-of-attorney.** — (1) The registering officer shall authenticate the powers-of-attorney under sections 33 in Form «X».

(2) The Registering officer shall attest the powers-of-attorney under section 33 in Form «Y».

(3) The consecutive number under which the power-of-attorney is entered in the register in Form I and the fee charges shall be noted on the power-of-attorney.

#### XIII. Issue of Commissions

**64. Forms of issuing commissions.** — Commissions issued under section 33 or 38 and the returns thereto shall be recorded in a separate file. The Commissions shall be issued in Form «Z».

#### XIV. Refund of fees

**65. Register of refunds.** — Every registering officer shall maintain in Form AA a register of refunds.



## XV. Withdrawal of sealed covers

66. Procedure in case of withdrawal of sealed covers. — When an application is made for the withdrawal of a sealed cover under section 44, the Registrar shall, before delivering the cover under the said section, take back the receipt given under rule 38 when the cover was deposited and file it. The signature of the recipient shall also be taken in the last column of register book no. 5.

## XVI. Grant of Copies, Searches, Inspections, etc.

67. All applications to be in writing and to comply with the Indian Stamp Act, 1899 and to be numbered and filed. — (1) All applications for copies, searches, inspections or for any other purposes required to be made under the Act or these rules shall be made in writing to a registering officer and every such application shall be numbered and filed by the registering officer.

(2) The registering officer shall not accept any application unless it complies with the provisions of the law relating to stamps for the time being in force.

## XVII. Destruction of Documents

68. The form of notice in case of unclaimed documents to be destroyed and the procedure thereafter. Note of destruction where to be recorded. — (1) A registering officer shall issue a notice in Form AB when a document, the destruction of which is authorised by section 85, remains unclaimed for a period exceeding two years from the date of registration or refusal to register it or the date on which the proceedings in respect of its registration were adjourned for the last time. After the expiration of the period of notice, the Sub-Registrar shall send the document to the Registrar to whom he is subordinate for destruction and the Registrar shall communicate to the Sub-Registrar the date on which it was actually destroyed.

(2) In case of destruction of registered documents, a note recording the destruction shall be entered in the appropriate register book at the foot of the copy of the document. In cases of documents registration of which is refused, the note shall be recorded in Column 4 of register book No. 2.

## XVIII. Transitional

69. Until a direction to the contrary is given by the Inspector General of Registration, a registering officer shall at the time of registering any transfer of immovable property, which has been described under the «Codigo de Registo Predial» endorse on the document whether the transferor's name has been inscribed as the owner of the property in question and a note as to the nature of the endorsement shall be in the entry in the index relating to that transaction.

P. B. Venkatasubramanian, Inspector General of Registration.

Panjim, 1st November, 1965.

## TABLE OF FEES

Indian Registration Act, 1908

The following table of fees prepared by the Government of Goa, Daman and Diu, in exercise of the powers conferred

by section 78 of the Indian Registration Act, 1908, (XVI of 1908) in its application to the Union Territory of Goa, is hereby published as required by section 79 of the said Act: —

## A — Table of Fees

I. (1) This Article shall apply to those documents on which registration fee is leviable on an *ad valorem* scale on the amount or value of the consideration or of the property to which the document relates.

(2) The registration fee on the following documents shall be levied on an *ad valorem* scale on the amount or value of the consideration: —

Acknowledgement (not being of the nature described in Article III), Agreement for consideration (see Note 6), Annuity Bonds (see Note 5), Award, Bond, Bill of Exchange, Bill of Sale, Lease (see Notes 4 and 7), Instrument of Assignment, Conveyance, Mortgage (see Notes 1 and 2 below), Release for consideration (not being of the nature described in Article III), Sale, Transfer, any certified copy of a decree or order of Court.

(3) The registration fee on the following documents shall be levied on an *ad valorem* scale on the amount or value of the property: —

Composition-Deed, Gift, Partition (see Note 3 below), Partnership-Deed, Settlement, Declaration of Trust, Release other than one falling under (2) above or Article III.

(4) The *ad valorem* scale shall be: —

(a) If the amount or value of the consideration or of the property to which such instrument relates, is wholly expressed therein; —

	Rs. P.
When the amount or value does not exceed Rs. 125	1-25
When the amount or value exceeds Rs. 125 but does not exceed Rs. 250	2-50
When the amount or value exceeds Rs. 250 but does not exceed Rs. 500	5-00
When the amount or value exceeds Rs. 500 but does not exceed Rs. 750	7-50
When the amount or value exceeds Rs. 750 but does not exceed Rs. 1000	10-00
When the amount or value exceeds Rs. 1000 but does not exceed Rs. 1250	12-50
When the amount or value exceeds Rs. 1250 but does not exceed Rs. 1500	15-00
When the amount or value exceeds Rs. 1500 but does not exceed Rs. 1750	17-50
When the amount or value exceeds Rs. 1750 but does not exceed Rs. 2000	20-00
When the amount or value exceeds Rs. 2000 but does not exceed Rs. 2500	22-50
When the amount or value exceeds Rs. 2500 but does not exceed Rs. 3000	25-00
When the amount or value exceeds Rs. 3000 but does not exceed Rs. 3500	27-50
When the amount or value exceeds Rs. 3500 but does not exceed Rs. 4000	30-00
When the amount or value exceeds Rs. 4000 but does not exceed Rs. 4500	32-50
When the amount or value exceeds Rs. 4500 but does not exceed Rs. 5000	35-00
For every Rs. 1000 or part thereof in excess of Rs. 5000	3-50

(b) If such amount or value is only partly expressed, the same *ad valorem* fee as above on the amount or value which is expressed and an additional fee of Rs. 10/-;

(c) If such amount or value is not expressed at all, a fixed fee of Rs. 50/-;

Note 1. — Where property subject to a mortgage is sold to the mortgagee the difference between the purchase money and the amount of the mortgage in respect of which fee has already been paid shall be considered as the amount of consideration for the deed of sale, provided the mortgage-deed is proved to the satisfaction of the registering officer to have been duly registered and the fact of such registration is noted in the deed of sale. When there is no difference between the purchase money and the amount of mortgage, the fee leviable shall be Rs. 1-25 P.

Note 2. — The fee leviable upon a document purporting to give collateral auxiliary or additional or substituted security, or security by way of further assurance, where the principal or primary mortgage is proved to the satisfaction of the registering officer to have been duly registered shall be the same as for the principal or primary mortgage, if the same does not exceed Rs. 10/-, otherwise it shall be Rs. 10/-.

Note 3.—In the case of an instrument of partition, the value of the separated share or shares on which stamp duty is leviable shall be deemed to be the amount or value of the property to which such instrument relates.

Note 4.—In the case of leases, the amount or value of the consideration, on which the *ad valorem* fee is to be assessed, shall be as follows:—

- |   |  |
|---|--|
| (1) Where the rent is fixed and no fine or premium is paid or money advanced, then, if the lease is granted—      | The fee will be assessed on—   |
| (a) for a period less than a year.  | The total sum payable under the lease.   |
| (b) for a definite period.  | The average annual rent reserved.  |
| (c) for an indefinite period.   | The average annual rent which would be payable for the first ten years if the lease is continued so long.  |
| (d) in perpetuity .....   | One-fifth of whole amount of rents which would be payable in respect of the first fifty years of the lease.  |
| (2) Where no rent is fixed but the lease is granted in consideration of a fine or premium or money advanced only. | The amount of such fine or premium or money advanced.  |
| (3) Where the lease is granted for a fine or premium or money advanced in addition to rent reserved.              | The amount of fine or premium or money advanced in addition to the fee which would be payable on such lease if no fine or premium were paid or money advanced. |

N. B.—If a lease be given to a cultivator and the counterpart of such lease be registered in the same office and on the same day as the lease, the fee chargeable in respect of the two documents shall not be greater than the fee which would have been charged on the lease alone.

Note 5.—In case of an instrument executed to secure the payment of an annuity or other sum payable periodically, or where the consideration for a conveyance is an annuity or other sum payable periodically, the amount or value of the consideration on which the *ad valorem* fee is to be assessed, shall be as follows:—

- |  |   |
|--|---|
| Where the sum is payable—  | The fee will be assessed on—  |
| (a) for a definite period.   | The total amount to be paid during the period.  |
| (b) in perpetuity or for an indefinite time not terminable with any life in being.                         | The total amount payable during the first twenty years calculated from the date on which the first payment becomes due. |
| (c) for an indefinite time terminable with any life in being at the date of such instrument or conveyance. | The total amount payable during the first twelve years calculated from the date on which the first payment becomes due. |

Note 6.—In the case of service bonds and agreements for the hire of movable property, the amount or value of the consideration, on which the *ad valorem* fee is to be assessed, shall be as follows:—

- |   |  |
|---|--|
| If the service bond or agreement is granted—  | The fee will be assessed on—                                     |
| (1) for a period of a year or less.           | The total amount payable under the service bond or agreement.    |
| (2) for a definite period exceeding one year. | The average annual amount to be paid during the period.          |
| (3) for an indefinite period.                 | The average annual amount to be paid during the first ten years. |

Note 7.—If in any case the rent, remuneration or hire is payable partly in money and partly in kind, and the money value of the portion payable in kind is not expressed, the fee shall be charged at twice the amount of the *ad valorem* fee

chargeable in respect of the amount payable in money, e. g. If the *ad valorem* fee chargeable on the amount payable in money is Rs. 4/-, the total fee leviable in respect of the document would be Rs. 4/- on the money value + Rs. 4/- for the payment in kind. And if the rent or remuneration is payable entirely in kind, and the money value thereof is not expressed, a fixed fee of Rs. 10/- will be charged.

Note 8.—The fee on any instrument comprising or relating to several distinct matters shall be the aggregate of the fees with which separate instruments, each comprising or relating to one of such matters, would be chargeable.

Note 9.—An instrument so worded, as to fall under the category of two or more kinds of documents, shall, when the fees chargeable thereunder are different, be charged with the highest of such fees.

Note 10.—(1) In the case of documents purporting or operating to effect a contract for the sale of immovable property, and:

- not containing a recital that the possession of the property has been delivered to the person contracting to buy, an *ad valorem* fee on the amount or value of the purchase money subject to the maximum of Rs. 3-25 P. shall be charged on the document. A document purporting or operating to effect a sale of the said property executed in pursuance of the said contract shall be subject to an *ad valorem* fee on the amount or value of the purchase money;
- containing a recital that the possession of the property has been delivered to the person contracting to buy, an *ad valorem* fee on the amount or value of the purchase money shall be charged on the document. The document purporting or operating to transfer by way of sale the said property executed in pursuance of the said contract shall be treated as a supplementary document and shall be subject to an *ad valorem* fee on the amount or value of the purchase money subject to a maximum of Rs. 3-25 P.

(2) Except as otherwise provided in this Article, the provisions of clause (1) shall, so far as may be, apply to documents which purport to be or to operate as agreements for the transfer of any right, title or interest in immovable property, otherwise than by way of sale, and to documents which purport or operate to effect such transfers and are executed in pursuance of such agreements.

Note 11.—No fee shall be payable in respect of the registration of a document relating to immovable property which has already been registered in a wrong registration office and on which proper fee has been paid under this Article.

Note 12.—No fee shall be chargeable on mortgage deeds executed by Government servants in Civil or Military service for securing repayment of advances received from any Government for the purpose of constructing or purchasing dwelling houses for their own use.

II. For the registration of a surrender of a lease.—The same fee as for the lease surrendered, if the same does not exceed Rs. 10/-, otherwise Rs. 10/-.

III. This Article shall apply to documents on which fee shall be calculated according to the *ad valorem* scale in Article I subject to a certain maximum.

Registration fee calculated according to the *ad valorem* scale subject to a maximum of Rs. 10/- shall be levied on the following documents:—

Document which acknowledges merely the payment of the consideration for some other document which is also registered; Document which acknowledges the receipt of the consideration expressed in a previous registered document but not paid at the time of the execution of such document, where full *ad valorem* fee has, under Article I, been levied in respect of such previous document; Reconveyances and releases executed on the extinction of liens in mortgages which are previously registered and on which full *ad valorem* fees have been levied; Documents acknowledging the receipt of instalments on account of mortgages which are registered and on which full *ad valorem* fees has been levied; Revocation of Trust or Settlement (see Note 1 below); Duplicate or duplicates presented for registration with the original document or documents on the same day; Duplicate or Duplicates not presented for registration with the original document or documents on the same day but on which reference to registration of the original document or documents is quoted; Release executed in pursuance of some other document on which full *ad valorem* fee in Article I has been paid (see Note 2 below).

**Note 1.**—The revocation of Trust or Settlement mentioned in this Article is one executed in pursuance of a power to revoke reserved in the original registered deed of Trust or Settlement and a partial revocation of Trust or Settlement executed otherwise than in pursuance of such power.

**Note 2.**—Release executed in pursuance of another document includes release by trustees in favour of beneficiaries and *vice versa*, release by settlor in favour of settlors, release by benamidar in favour of real owners and documents of a similar nature.

**Note 3.**—In case of a release the amount or value of the interest on claim released will always be than the amount or value of the property over which the claim is released. In such cases if the amount or value of the consideration for the release is not shown, the registration fee shall be levied according to the *ad valorem* scale in Article I but subject to a maximum of the amount of fee chargeable under Article 1(4)(c).

**IV.** This Article shall apply to documents on which fixed fee is to be levied.

A fixed registration fee of Rs. 10/- shall be levied for the registration of the following documents:—

Power of Attorney, Writing of Divorcement, a Certificate of Heirship, Guardianship, Administratorship, or Executorship, a Notice of pendency of a suit or proceeding referred to in section 52 of the Transfer of Property Act, 1882, Revocation of Trust or Settlement (see Note 2 below), Dissolution of Partnership, Agreement of Pre-emption in a partition deed or in a lease, Appointments of property, Adoption deed, Declaration of Trade Marks, Declaration, Agreement of Easement where amount or value of consideration is now shown, Documents which do not fall within any other Article of the Fee Table.

**Note 1.**—Where an *ad valorem* fee on the property to which such Trust-deed relates has once been paid on the registration of a deed appointing a body of Trustees for the management of any property, and a subsequent deed appointing one or more Trustees in addition to or in place of some of those appointed as above is presented for registration, such subsequent deed shall be liable to the fixed fee of Rs. 10/- under this Article.

**Note 2.**—The revocation of Trust or Settlement mentioned in this Article is one where a previously registered Trust or Settlement is wholly revoked otherwise than in pursuance of a power to revoke reserved in the original deed of Trust or Settlement.

#### Wills and Authorities to adopt

	Rs. P.	
V. For registration of a will when presented open, or of an Authority to adopt or of a Cancellation of a Will	10-00	Besides the expenses of copying the superscription or contents according to the rate laid down in Article XII.
VI. For deposit of a sealed cover containing a Will	10-00	
VII. For opening of a sealed cover except one opened under section 46 of the Act	10-00	
VIII. For withdrawal of a sealed cover	10-00	

#### Re-Registrations of Documents

**IX.** For the re-registration of a document under section 24 of the Act.—The same fee as for the registration of such document.

#### Search and Inspections

	Rs. P.	
X. (1) For the first year for each entry in respect of each property for which search or inspection of the Register books or Indexes is made	2-50	Besides a fee of Rs. 5/- for inspection or search of each special Index of city surveyed properties wherever maintained.
For every additional year for each such entry	0-65	

(2) If, in an application to the registering officer for a copy of an entry the names of the claiming and executing

parties, the nature of the document, and the year and place of registration are shown, the fee for search shall not be levied.

**Note.**—Search fee shall be charged per year in respect of search or inspection of Register books or Indexes taken by a party, in respect of each property, on application, irrespective of the number of entries, but in respect of an application for a copy of an entry for which search is taken by the registering officer, the search fee shall be charged per year, per entry, per property.

(3) Government officers requiring to search or inspect the Register books or Indexes for *bona fide* public purposes shall be exempt from the payment of fees.

#### Copying fees, Grant of Copies, etc.

	Rs. P.
XI. (1) For copying documents in the Register books, besides the registration fee, for each folio or fraction of a folio of 100 words	0-40
(2) For copying endorsements on documents other than the transcription of the stamp vendor's endorsement:—	
(a) In all cases (other than Wills presented after the death of a testator), a fixed fee of	0-80
(b) In the case of Wills presented after the death of a testator, a fixed fee of	1-25

**Note.**—No fee shall be payable in respect of duplicate or duplicates of a document presented for registration along with the original or on which registration reference to the original document on which *ad valorem* fee is paid is quoted.

	Rs. P.
XII. For comparing printed copies of printed documents presented for registration for each folio or fraction of a folio of 100 words	0-03
For filling each such copy	1-00

**Note.**—When a notice of pendency of a suit or proceeding drawn up in a standard printed form, is presented for registration, no fee for comparing printed copies of printed documents shall be levied but only fee for filling it under this Article shall be levied.

	Rs. P.
XIII. For making or granting copies of entries and documents for the benefit of any person, or to be forwarded to any office under sections 65, 66 and 67, or for making or granting copies of reasons for refusal by a Registrar under section 76, for each folio or fraction of a folio of 100 words	0-40

**Note.**—No fee for making copies of documents to be forwarded to any officer under sections 65, 66 and 67 shall be payable in respect of a duplicate or duplicates of a document presented for registration along with the original.

	Rs. P.
XIV. For granting copy of map:—	
Provided that the arrangement for and the cost of making such copy shall be made and borne by the person who applies for it	1-00

**XV.** Government officers requiring copies of entries, documents or maps *bona fide* public purposes shall be exempt from the payment of fees.

#### Extra or Additional fees

	Rs. P.
XVI. For registration of any document by a Registrar under section 30(1)	6-00 in addition to ordinary fee.

**Note.**—When the registration of any document properly registrable by a Sub-Registrar is performed by the Registrar to whom he is subordinate, owing to the former being a party to the transaction represented by such document, or owing to the Sub-Registrar's ignorance of the English Language in which a document is written and presented to him unaccompanied by a true translation and true copy, the extra fee will not be charged.

	Rs. P.
XVII. For the issue of commission under section 33 or 38.—	
(a) If the person is physically unable to attend office or is confined to jail	5-25
(b) Otherwise	15-00

**XVIII. For filling translation under section 62 ..... 2-50**

**Note.**—The fee under this Article is not leviable when a document written in English is presented before a Sub-Registrar ignorant of the language and is accompanied by a true copy and true translation of the document.

**XIX. Attendance at a private residence or jail. —**

	Rs. P.
(1) For every attendance at a private residence under sections 31, 33 and 38 .....	10-00
(2) For every attendance at a jail under sections 31, 33 and 38 .....	5-00

**Note 1.**—One single fee shall be levied irrespective of the number of documents of which business is transacted, provided that a person, who is entitled to exemption from attending the registration office, was a party to each such document.

**Note 2.**—The Inspector General of Registration may, in this Article in cases in which it appears to him that the levy of such fee would be productive of hardship.

**Note 3.**—For every attendance at a private residence of a nurse or female assistant, if required to accompany a Registering Officer to take the thumb impression of one or more female executants who are pardamashin an extra fee of Rs. 6-50 P. shall be charged irrespective of the number of documents registered at such private residence

	Rs. P.
<b>XX.</b> For the safe custody and return of any document presented for registration and not claimed by a person entitled to claim it (vide sub-section (2) of section 61 of the Act) within one month from the date of the prescribed notice for every day in the second month from the date of notice until such document is claimed .....	0-05
Do. do. in the third month .....	0-20

Provided however, that the maximum fee payable under this Article for each document so returned shall be Rs. 7-50 P.

Provided also that a Registrar may, in his discretion, remit whole or in part fees leviable under this Article by himself or by a registering officer subordinate to him in cases in which it appears to him the levy of such fees would be productive of injustice or hardship

**Memorandum, Attestation, Summons and Warrant Fees**

	Rs. P.
<b>XXI.</b> For every copy of the Memorandum to be sent under sections 64, 65 and 66 .....	1-00

**Note.**—No fee shall be payable in respect of a duplicate or duplicates of a document presented for registration along with the original.

	Rs. P.
<b>XXII.</b> For the authentication or attestation of a power or attorney, if special .....	1-50
For the authentication or attestation of a power of attorney, if general .....	3-00

**XXIII.** When under section 36 read with section 39, application is made to issue and serve a summons or warrant, process fee of Re. 1/- and remuneration of the person summoned at the rate from time to time prescribed for the lowest grade or Civil Court having jurisdiction over the place from which the summons or warrant is issued, shall be levied from the person at whose instance, or in whose behalf, the application first shall be Re. 1/-.

This Article applies *mutatis mutandis* to summonses and warrants issued under section 75 of the Act.

The process fees shall be levied in court-fee stamps and the remuneration in cash.

**XXIV.** One-half of the registration fee and all the copying fees in respect of a document presented for registration which is withdrawn before the order of registration has been passed and in respect of a document of which registration is finally refused, shall be refunded.

**Note.**—Any fine levied by the Registrar under section 25 is not to be refunded, except under section 70 of the Indian Registration Act. Similarly, any fees levied for issuing commissions, summons and for meeting attendance and travelling allowance charges shall not be refunded, if they have been earned or disbursed.

**XXV. (a)** A Government Department liable to pay registration charges is exempt from the payment of all fees payable under the Table of Fees.

(b) In cases where the fees are payable partly by a Government Department and partly by some other party, the exemption under clause (a) shall extend to that part only which is payable by the Government Department.

**XXVI. (a)** All *de career* Consular Officers, the Deputy High Commissioner for the United Kingdom and members of the staff of all Consular Missions stationed in India liable to pay registration charges, are exempt from the payment of all fees payable under this Table of Fees.

(b) In cases where the fees are payable partly by the *de career* Consular Officers, the Deputy High Commissioner for the United Kingdom or members of the staff of Consular Missions stationed in India, and partly by some other party, the exemption under clause (a) shall extend to persons falling under that clause.

**B**—The above Table of Fees shall come into force on and from the 1st day of November, 1965.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. B. Venkatasubramanian, Law Secretary.

Panjim, 1st November, 1965.

**Notification**

LD/45/65

In exercise of the powers conferred by section 5 of the Indian Registration Act, 1908 as extended to the Union Territory of Goa, Daman and Diu, the Lieutenant Governor of Goa, Daman and Diu hereby directs that the registration district of Goa shall consist of the sub-districts of Panjim, Salcete, Bardez, Bicholim and Quepem and that the areas of the said sub-districts shall be the same as those of the Comarcas of Ilhas de Goa, Salcete, Bardez, Bicholim and Quepem.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. B. Venkatasubramanian, Law Secretary.

Panjim, 28th October, 1965.